

Guardrails: Sexual Harassment Prevention and the Church

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I. Sexual Harassment

- a. Multiple ministries have experienced claims of sexual harassment or abuse by its leaders in recent years. The list is long. The damage to the victims is untold, but the institutional damage and damage to the cause of Christ extends from there. The legal ramifications and reputational risk that can sink a ministry and affect the faith of its followers and the surrounding community.
- b. States with mandated Sexual Harassment Prevention Training for employers: California, Connecticut, Delaware, Illinois, Maine, New York.
- c. New York as a model, mandates Sexual Harassment Prevention training for all employers in New York State. The training should be conducted annually and cover the following:
 - i. What constitutes sexual harassment?
 1. Unlawful form of discrimination based on sex.
 - a. Sex defined gender, sexual orientation, gender identity.
 - b. Unwelcome or inappropriate comments or physical advances. Assault.
 2. Examples – physical, verbal.
 - a. Consider diversity of your staff or congregation in determining what may be appropriate.
 - b. Physical familiarity – pre-Covid, church was a hotbed for hugs and cheek kisses.
 - c. Comments about appearance
 - d. Repeated requests to date
 - e. Derogatory comments based on gender
 3. Who can be targeted – anyone. Not solely a female issue.
 4. Where can it happen – in person, related to work.
 - ii. No retaliation allowed.
 - iii. Reporting – who can report, where allegations can be reported
 - iv. Investigation – employers must promptly take steps to assess the allegation. Beware of biases that may gloss over conduct of high-level employees.
 1. Written complaints
 2. Intermediate steps – direct no contact while investigation takes place, consider suspension or leave if appropriate.
 3. Conduct interviews, gather documents
 4. Make a determination if corrective action is needed.
 - v. Distinctives in other states
 1. California – requires two hours training for supervisors every two years, non-supervisory employees should receive one hour.

2. Illinois – all employees annually, Chicago requires 2 hours annually for supervisors, and both employees and supervisors must receive an additional hour of “bystander intervention” training.
 3. States with statutes that encourage training: Colorado, Florida, Hawaii, Iowa, Maryland, Massachusetts, Michigan, Ohio, Oklahoma, Rhode Island, Tennessee, Utah, Vermont and Wisconsin.
- d. Churches may want to adopt some of the following strategies and guidelines:
- i. Denominational v. Independent Churches.
 - ii. I Timothy 3:2 as a guideline:
 1. Above reproach
 2. Exercise self-control
 3. Live wisely
 4. Have a good reputation
 - iii. Open door or open blinds policy when meeting – not just with members of the opposite sex, with both!
 - iv. Billy Graham rule vs. Take Two (Ted Haggard)
 - v. Have you been invited to their home, just you? If not, no comments on appearance.
 - vi. For Pastors and Leaders – abuse of power requires secrecy. What policies can we enact that counteract that urge? Board policies, parts of the pastor’s contract, bylaws on accountability.
 1. Phone/Email. Who has access and can review? Is there a requirement to use work email?
 2. Travel plans – who travels with the leader? Who makes the travel plans? What kind of downtime is there? How often do staff travel? Consider the organization that required staff to live near headquarters in US when most of the work was in the Middle East. That created an environment where the staff members travelled an average of 20 days per month.
 3. Alcohol Usage.
 4. Accountability.
 - vii. Employee Discipline Policy
 1. Should have standards of behavior for all employees.
 2. Scriptural references where possible.
 3. Can differentiate between low-level and upper-level employees. Upper-level employees held to a higher standard.
 4. How the accusation comes to light – if they self-confess vs. are discovered.
 5. Incorporate social media policy and usage.
- e. Expanded Training Pools. Training requirements cover employees, but adopting some kind of training for volunteers or volunteer leaders can be helpful.
- f. Expanded Reporting Avenues – your whistleblower policy can cover sexual harassment, but you should be clear in your training who people can go to. Try to designate a male and a female.

- g. Implications of the Ministerial Exception. There won't necessarily be a viable claim for discrimination pursuant to Hosanna Tabor and Our Lady of Guadalupe. However, the reputational risk can be destructive.
- II. Case Studies.
 - a. Christianity Today.
 - b. RZIM.
 - c. Hillsong.
 - d. Willow Creek.
 - e. Governor Cuomo.
 - f. The Village Church.
- III. Red Flags – common elements that reappear in case studies.
 - a. Abuse of Power.
 - b. Dishonesty.
 - c. Burnout.
 - d. In-group leadership.
 - e. Secrecy – NDAs.
 - f. Sexual Behavior.
- IV. Board Policies and Construction.
 - a. Diversity on Board.
 - b. Whistleblower Policy.
 - c. Pastoral Contracts.
 - d. Pastoral Conduct Policy.
 - e. Removal and Leave Provisions.